

73-3-1.5. Capture and storage of precipitation.

(1) As used in this section, "parcel" means an identifiable contiguous unit of property that is treated as separate for valuation or zoning purposes and includes an improvement on that unit of property.

(2) Notwithstanding Section 73-3-2, a person may:

(a) directly capture and store precipitation on a parcel owned or leased by the person in accordance with Subsection (3) or (4); and

(b) place the water captured and stored as provided in Subsection (2)(a) to beneficial use on the parcel on which the water is captured and stored.

(3) After registering for the capture and storage of precipitation in accordance with Subsection (5), a person may collect and store precipitation in a container installed in accordance with the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act, if:

(a) for a person who uses only one container on a parcel, the total capacity of the container is no more than 2,500 gallons; or

(b) for a person who uses more than one container on a parcel, the aggregate capacity of the containers is no more than 2,500 gallons.

(4) A person may collect and store precipitation, without registering under Subsection (5), in no more than two covered storage containers if neither covered storage container has a maximum storage capacity of greater than 100 gallons.

(5) (a) The state engineer shall provide a website on which a person may register as required by Subsection (3).

(b) To register, a person shall complete information required by the state engineer including the:

(i) name and address of the person capturing or storing precipitation;

(ii) total capacity of all containers storing precipitation; and

(iii) street address or other suitable description of the location where precipitation is to be captured and stored.

(6) Beneficial use of water under Subsection (2)(b) does not constitute a water right and may not be:

(a) changed under Section 73-3-3;

(b) assigned; or

(c) consolidated with a water right.

(7) A person who beneficially uses water under Subsection (2)(b) shall comply with:

(a) state law; and

(b) local health and safety rules and regulations.

Amended by Chapter 260, 2013 General Session